THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO: 17636 OF 2005

DATED:10.08.2005

Between:

Ramakrishna Junior College (Aided),

High School Section, Allur, Nellore District,

Rep. by its Secretary & Correspondent

A.Sita Rami Reddy, S/o.Ramakrishna Reddy

Aged 65 years, R/o. Allur, Nellore District.

……PETITIONER

AND

1. The Government of Andhra Pradesh, Rep.

by its Secretary, School Education Department,

Secretariat, Hyderabad and three others.

……RESPONDENTS

THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO:17636 of 2005

ORDER

This Writ Petition is filed by the petitioner aggrieved by the action of the respondents in not allowing the petitioner to go ahead with the selection process as per the permission accorded by the fourth respondent for filling up as many as 9 posts of teaching as well as non-teaching staff.

According to the petitioner, 9 posts fell vacant as a result of the retirement of the incumbents in the year 2003. Therefore, the petitioner made a representation to the fourth respondent in April, 2003 seeking approval for taking up the process of filling up of the vacancies. In pursuance of the said representation, the fourth respondent issued proceedings, dated 21.9.2003 permitting the petitioner institution to initiate and complete the selection process for filling up of the 9 posts. Thereafter, even the Governmental nominee was also appointed, but, however, the selection process could not be completed. Now, in view of the ban imposed by the Government by memo, dated 20.10.2004, the respondents are not allowing the petitioner to proceed with the selection process. Therefore, the petitioner institution is suffering serious problem for want of sufficient staff, both teaching and non-teaching. Therefore, the petitioner has come up with the present Writ Petition.

At the time of hearing, the learned counsel for the petitioner contended that since the approval has already been granted by the fourth respondent, who is the competent

authority, the ban imposed subsequently by the first respondent would not apply to the posts which are approved for being filled up prior to the said ban.

Heard the learned counsel for both sides and considered the material on record.

According to the petitioner institution, as many as 9 posts of teaching and non-teaching fell vacant due to retirement of incumbents. Therefore, the petitioner made an application to the fourth respondent seeking his approval for filling up of said vacancies, which was, in fact, granted by proceedings of the fourth respondent, dated 21.9.2003. In fact, even a Governmental nominee was also appointed, but, however, the selection process could not be completed. Now, in view of the ban imposed by the first respondent by memo, dated 20.10.2004, the petitioner is not permitted to proceed with the selection process.

This Court has already taken the view that the ban imposed by the first respondent-Government on 20.10.2004 is not applicable in respect of the vacant posts where approvals have already been granted prior to the date of the ban.

Under the above circumstances, the respondents are directed to cooperate with the petitioner and see that the selection process is completed and if selected panels are sent to the respondents by the petitioner management, the respondents are also directed to approve the same if the selection is in accordance with the Rules.

With the above directions, the Writ Petition is disposed of. No costs.

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S. ANANDA REDDY,J

10TH AUGUST 2005

Note: Issue C.C. in two days.

(B/o)

Tsr